Arbitration Panel Decision

After hearing testimony and reviewing all of the evidence, the panel issued its ruling. On issue number one, the panel found that the selection committee convened in 2006 to select a manager for Vending Facility 495 was required to determine each candidate’s labor percentage for the previous two years. However, the panel concluded that the problem with implementation of the 2006 rule was that neither the Complainant nor the other candidate had a labor percentage goal for 2005. In order to remedy the two year requirement, the selection committee decided to apply the Complainant’s and the other candidate’s labor goals in 2006 to their vending facilities in 2005, thus providing a labor percentage for the two-year period.

The arbitration panel found that this action of the selection committee was not patently unfair or an abuse of discretion and thus was not in violation of state rules and regulations or the Act and implementing regulations.

Regarding issue number two, the panel determined that the record reflected complaints about the successful candidate’s performance at prior facilities. However, the evidence heard by the panel did not indicate that the SLA or any of its staff arbitrarily removed documentation from the successful candidate’s file or failed to submit records in his vending operator file to the selection committee. Thus, based upon testimony of the selection committee members that they were aware of the successful candidate’s problems at prior facilities, the arbitration panel ruled that the successful candidate’s problems occurred several years earlier and his lack of problems and his improvement over recent years merited the level of scoring that he received from the selection committee.

Concerning issue number three, the panel found that there was no dispute that the grantor of Vending Facility 495 did not serve on the selection committee. Based on the evidence heard by the panel, the grantor was contacted via e-mail by the SLA and indicated that he believed he was invited to serve on the selection committee, but the grantor did not recall why he did not attend. The Complainant interpreted the grantor’s lack of attendance to mean that the grantor was not invited by the SLA to participate on the selection committee in violation of the OAC.

However, the panel in considering the hearing record as a whole determined that the Complainant did not meet his minimum burden of proof on this issue. Finally, regarding issue number four, the panel found no violations of the Act, implementing regulations under the Act, or the state rules and regulations. Thus, the panel denied Complainant’s grievance.

The views and opinions expressed by the panel do not necessarily represent the views and opinions of the Department.

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Dated: February 2, 2011.
Alexa Posny,
Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2011–2587 Filed 2–4–11; 8:45 am]
DEPARTMENT OF ENERGY
Federal Energy Regulatory Commission
Combined Notice of Filings

January 31, 2011.

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:
- **Docket Numbers:** RP11–1731–000.
  - **Applicants:** Gulf South Pipeline Company, LP.
  - **Description:** Gulf South Pipeline Company, LP submits tariff filing per 154.204: Oneok Energy Services Company, L.P. to BG Energy Merchants, LLC., Negotiated Rate Agreement to be effective 2/1/2011.
  - **Filed Date:** 01/28/2011.
  - **Accession Number:** 20110128–5166.
  - **Comment Date:** 5 p.m. Eastern Time on Wednesday, February 09, 2011.
- **Docket Numbers:** RP11–1732–000.
  - **Applicants:** Gulf South Pipeline Company, LP.
  - **Description:** Gulf South Pipeline Company, LP submits tariff filing per 154.204: J–W 34689 to Q–West Capacity Release Negative Rate Agreement to be effective 2/1/2011.
  - **Filed Date:** 01/28/2011.
  - **Accession Number:** 20110128–5166.
  - **Comment Date:** 5 p.m. Eastern Time on Wednesday, February 09, 2011.
- **Docket Numbers:** RP11–1733–000.
  - **Applicants:** Gulf South Pipeline Company, LP.
  - **Description:** Gulf South Pipeline Company, LP submits tariff filing per 154.204: JW 34690 to Q–West Capacity Release Negative Rate Agreement to be effective 2/1/2011.
  - **Filed Date:** 01/28/2011.
  - **Accession Number:** 20110128–5166.
  - **Comment Date:** 5 p.m. Eastern Time on Wednesday, February 09, 2011.
- **Docket Numbers:** RP11–1734–000.
  - **Applicants:** Gulf South Pipeline Company, LP.
  - **Description:** Gulf South Pipeline Company, LP submits tariff filing per 154.204: JW 34690 to Q–West Capacity Release Negative Rate Agreement to be effective 2/1/2011.
  - **Filed Date:** 01/28/2011.
  - **Accession Number:** 20110128–5166.
  - **Comment Date:** 5 p.m. Eastern Time on Wednesday, February 09, 2011.

Minutes:
The minutes of the meeting will be available for public review at http://www.erac.energy.gov.

Issued in Washington, DC, on February 2, 2011.

Rachel Samuel,
Deputy Committee Management Officer.
[FR Doc. 2011–2588 Filed 2–4–11; 8:45 am]